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Summary record of the first part (public)* of the 1230th meeting
Held at the Palais Wilson, Geneva, on Monday, 12 May 2014, at 10 a.m.

Chairperson: Mr. Grossman

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.1230/Add.1.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Third periodic report of Lithuania (CAT/C/LTU/3, CAT/C/LTU/Q/3, HRI/CORE/1/Add.97)

1. *At the invitation of the Chairperson the delegation of Lithuania took places at the Committee table.*

2. **Mr. Stripeika** (Lithuania) said that since the submission of its report in October 2012, Lithuania had ratified the Optional Protocol to the Convention against Torture and designated an Ombudsman's Office to function as the national preventive mechanism. The Ombudsman's Office was authorized to make regular visits to all detention centres and to interview detainees in private. Since the beginning of the year, it had already made 11 visits, and several other visits were planned for the months to come. A delegation from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) had visited Lithuania from 27 November to 4 December 2012; the report on that visit, together with the Government's report on the follow-up to the CPT's recommendations, was to be made public shortly.

3. New instructions for the security and surveillance of police detention facilities had been adopted. One of the appreciable steps forward that resulted from them was that the detention of minors together with adults, which could once be authorized by the prosecutor in exceptional cases, had been prohibited. Conditions in police holding facilities had improved since consideration of the preceding report. Facilities where conditions had been the worst had been closed; major refurbishments had been undertaken in several others, and the construction of new facilities had begun. Since 2012, the police academy curriculum had included human rights training, comprising a module devoted to the provisions of the Convention against Torture. The adoption in July 2012 of the Act on probation, aimed at encouraging non-custodial measures, and the amendments made to the Enforcement of Criminal Sanctions Code, the Criminal Code and Code of Criminal Procedure to ensure milder conditions for alternative sentencing, should make it possible to reduce prison overcrowding and to guarantee more effectively the right of detainees not to be subjected to torture or ill-treatment. Only 4 of the country's 11 prisons were currently overcrowded; the situation, however, was not as bad as it appeared, as the overcrowding rate stood at only 2 per cent.

4. In September 2013, the Lithuanian Human Rights Monitoring Institute and the non-governmental organization (NGO) REDRESS had asked the Attorney-General's Office to open an enquiry into allegations that Lithuanian officials had been involved in the unlawful rendition of Mustafa al-Hawsawi, currently being held by the American authorities. When the case was dismissed by the Attorney-General on 27 September 2013, the two NGOs had appealed to the Vilnius Regional Court. On 13 February 2014 an inquiry had finally been initiated; it was still under way.

5. On 21 June 2012 the Parliament had ratified the Council of Europe Convention on Action against Trafficking in Human Beings. Steps had also been taken to implement Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and a major campaign to raise awareness of the problem of trafficking for forced labour had been launched by the Ministry of the Interior. Amendments to the Criminal Code and to the Code of Criminal Procedure intended to afford victims greater protection and support during judicial proceedings were being considered by the parliament. Lithuania was also taking part in an international programme on the prevention of human trafficking, involving the European

Institute for Crime Prevention and Control, affiliated with the United Nations, and the task force against trafficking in human beings of the Council of the Baltic Sea States.

6. Since the entry into force in December 2011 of the Act on Protection against Domestic Violence, several measures had been taken to intensify the struggle against that form of violence. A task force made up of representatives of the Government and of civil society had been created, and it had drafted a 2014–2020 national action plan against domestic violence, which would shortly enter into force. Amendments had been made to the Criminal Code and to the Code of Criminal Procedure to improve implementation of the 2011 Act; they provided, inter alia, for the automatic opening of an investigation into any incident of domestic violence reported to the police and the immediate referral of victims to the competent aid offices. Several specialized shelters would be opening by 2016. The number of domestic violence complaints had been higher in 2013 than in 2012, a sign that the intensive awareness-raising campaigns that had been undertaken in 2013 were bearing fruit and that victims were less reluctant than before to file complaints.

7. **Mr. Tugushi** (Country Rapporteur) said that although torture was punishable under several provisions of the Criminal Code, it still did not contain a definition of torture incorporating all the elements set out in article 1 of the Convention. He wished to know whether there were plans to incorporate such a definition into the Criminal Code, as the Committee had recommended in its preceding concluding observations (CAT/C/LTU/CO/2). Although legal, the practice of keeping persons in detention in police holding facilities up to 15 days after the end of the 48-hour period allowed for police custody was incompatible with the objective of preventing torture. Had the State party taken steps to put an end to it, as the CPT had recommended on several occasions? It seemed that legal assistance was not systematically guaranteed from the moment individuals were taken into custody and that it was common for detainees to meet their lawyers for the first time at their preliminary hearings. The delegation was asked to comment on that information and indicate whether it had taken steps to guarantee the right of access to a lawyer from the moment a person was placed in custody. It might also indicate whether the State party planned to amend its legislation in order to expressly guarantee the right of persons detained by the police to be examined by a physician of their choice as soon as they were placed in detention. The obligation to inform detainees of their rights in a language they understood was apparently not always met. Information on the steps taken or planned to guarantee that fundamental right would be welcome.

8. Since before being designated as the national preventive mechanism the Ombudsman's Office had barely had enough resources to examine and follow up on the complaints that were lodged with it, the question was whether the Government had planned to allocate more resources to enable it to visit all places of deprivation of liberty. It would also be interesting to know what measures would be taken to bring the Ombudsman's Office fully into line with the Paris Principles. In spite of the strengthening of legislation concerning domestic violence, the incidence of that form of violence did not seem to be decreasing and the protection of and support for victims remained inadequate. A more thorough review of legislation and the formulation of recommendations and instructions for officials responsible for enforcing the law needed to be considered.

9. He wished to know what steps the Government intended to take to intensify investigations and prosecutions in cases of trafficking in human beings and to offer greater support for victims. He also wished to know whether there were plans to amend legislation in such a way as to expressly prohibit all forms of violence against children, including corporal punishment, in all circumstances. Some practices in the administrative detention centres housing minors in conflict with the law — such as the placement of unruly minors in so-called relaxation rooms, which in fact resembled solitary confinement — could be said to amount to violations of human rights. The delegation might perhaps indicate

whether the State party intended to investigate those practices with a view to putting an end to them and whether it planned to develop alternatives to administrative detention for minors. Regarding the allegations of participation by the State party in the secret detention and unlawful rendition of foreigners suspected of terrorism, he said it would be interesting to know whether the scope of the recently opened investigation into the al-Hawsawi case could be extended to complaints lodged for human rights violations and torture in the context of other cases of the same type that had not yet resulted in any prosecution. Lastly, he wished to know about progress on the 2009–2017 implementation plan for the strategy for the renovation of places of imprisonment and asked whether initiatives had been taken to close the most decrepit temporary-detention centres, such as the Lukiškes and Šiauliai Remand Prisons, and to prevent and combat violence among detainees, above all in the prison in Alytus.

10. **Mr. Domah** (Country Rapporteur) asked whether Lithuania was a monist or dualist State and whether the definition of torture included in article 1 of the Convention was considered an integral part of positive law. He wished to know whether domestic law had been revised in the light of article 11 of the Convention to ensure that all suspects had the right to contact a lawyer, to be examined by a physician and to inform their relatives of their detention. He also invited the delegation to describe the projects intended to clear the Lukiškes and Pravieniškes Remand Prisons, specifying whether there were plans to resort to granting bail, and to indicate what steps had been taken to ensure that the absolute nature of the prohibition of torture was underscored in all training programmes meant for agents of the State, in campaigns to raise public awareness and in instructions and manuals on interrogation procedures.

11. Regarding the investigation into violations that had allegedly been committed in the secret detention facilities created under covert agreements between the Lithuanian authorities and the Central Intelligence Agency as part of the war on terror, described in paragraphs 57 to 61 of the report, the question arose as to whether that investigation had been truly thorough or whether the primary concern had been to mollify public opinion. The delegation's observations on that issue would be appreciated. It would also be interesting to know under which provisions of domestic law redress could be sought in the event of torture or ill-treatment and what kind of damages were covered by the act concerning compensation for the damage caused by violent crimes. The delegation might also indicate what steps had been taken to end the practice of hazing in the armed forces, to provide statistics on the number of complaints for hazing filed in the preceding years and to specify how those complaints had been followed up. Information would be appreciated on the content of the provisions of the Act on Mental Health Care as it related to involuntary commitment to a psychiatric institution and to the imposition of therapies against the will of patients. Lastly, the delegation might explain why the Act on National Minorities of 1999 was still not in force and describe the steps taken to improve prison conditions for those serving life sentences.

12. **Mr. Zhang** Kening remarked that according to the statistics in paragraph 162 of the report, only 1 of the 87 complaints lodged against corrections personnel between 2009 and 2011 had led to a pretrial investigation. That called for a comment from the delegation. Referring to paragraph 165 of the report, he asked how the police took individual features of an offender into account before resorting to coercive measures that may cause bodily injury or death.

13. **Ms. Belmir** asked whether the State party intended to develop a proper juvenile justice system and to train judges to that end.

14. **Mr. Gaye** asked whether the definition of torture provided by the Supreme Court in 2008 had been founded on an existing provision of law or whether it had been formulated *ex nihilo* to address the shortcomings of domestic law in that area. He also wished to know

whether the Lithuanian authorities, as the CPT had recommended, had taken measures to ensure that the right of suspects to consult a lawyer as soon as they were arrested was guaranteed by law. The delegation might indicate whether the Istanbul Protocol was an integral part of medical training and whether the State party had assessed the effectiveness of training and educational programmes, as well as their impact on the reduction of the number of cases of torture. Lastly, it would be interesting to know whether, in a claim for compensation for damages caused by the conduct of a public official, the State could incur civil liability for the offences attributed to the official in question.

15. **Ms. Gaer** asked for additional information about the way the Inspector-General of National Defence had been appointed and about the measures adopted to guarantee the Inspector-General's independence. She also asked about the steps taken in accordance with the 2013 judgement of the European Court of Human Rights in a case of domestic violence, in which the Court had found that the Lithuanian authorities had not fulfilled their obligation to protect persons from such acts. She wished to know whether the increase in the number of reported cases of domestic violence was the result of an actual increase in the number of such incidents or simply of greater public awareness of the issue. Lastly, the delegation might indicate why the new measures for combating domestic violence would not take effect until 2016 and whether the authorities were monitoring sexual violence in prisons, particularly in those that were overcrowded.

16. **The Chairperson** asked whether discrimination was explicitly included in criminal law as one of the possible motives for an offence, whether the Convention could be directly invoked by the courts and whether the crime of torture was subject to limitation in Lithuanian law. Regarding article 3 of the Convention, the delegation might indicate whether there had been cases in which the State party had proceeded with an expulsion or an extradition on the basis of diplomatic assurances. Lastly, paragraph 241 of the report noted that the number of convictions for inciting hatred had risen from 14 in 2010 to 91 in 2011. That was a substantial increase, the reasons for which it would be interesting to know.

17. **Mr. Tugushi** said that, in 2013, 11 women had died as a result of domestic violence and that, according to the information available to the Committee, the police had been alerted in a number of those cases but had not intervened with all due expediency. The delegation might indicate whether those cases had been investigated and whether sanctions had been imposed. It was apparently common, in addition, for persons subject to involuntary psychiatric commitment not to be heard by the judge ordering the measure and for the judge not to seek the opinion of an independent psychiatrist. The delegation was invited to comment on that information and to indicate whether there were plans to solve this systemic problem. Would it also indicate whether the national preventative mechanism would be allowed enough resources to supervise mental health institutions.

18. According to various sources, the investigations into allegations of violations committed by prison staff, which were to start with entrusted to the security services of the facility concerned, were more often than not ineffective. The delegation might perhaps indicate whether there were plans to amend the relevant legal and regulatory provisions so as to ensure that those investigations were conducted from the outset by a body with no direct ties to the establishment concerned or to the correctional services. Numerous reports also indicated that inmates serving life terms were obliged to spend 23 hours a day in their cells and could not communicate with other inmates. It would be useful to know whether there were plans to modify prison regulations in order to improve that situation. Among the problems brought to the attention of the Committee was also the fact that individuals were sometimes placed in police holding facilities to serve so-called administrative sentences, for non-payment of a fine, for example, which could sometimes last longer than 100 days, even though those facilities were not suitable for detention of more than 2 or 3 days. The delegation was invited to provide clarification on that practice and to state whether steps

would be taken to put an end to it. Lastly, the delegation might indicate whether there were plans to improve conditions in the main police holding facility in Vilnius, which was in a state of great decrepitude, or to close it.

19. **Mr. Domah** was surprised to note that the legislation of the State party included a provision authorizing the use of coercion and that some judgements had confirmed that the police could use coercion provided that they endeavoured to keep it from having serious consequences. It would be interesting to hear the delegation's comments on that subject. Among the encouraging steps taken by the State party was that a number of public officials were trained in how to detect signs of torture. It was nonetheless regrettable that that training had not been given to the individuals most likely to profit by it, such as the members of the judiciary. Comments on that subject would be appreciated.

The first part (public) of the meeting rose at 12.05 p.m.